

REMARKS

The Examiner is thanked for the detail contained in the Office Action dated July 22, 2003 (hereinafter the "Office Action"), to which this responds. Included herewith is a Power of Attorney to the undersigned.

In the Office Action, the Examiner has objected to the drawings for allegedly failing to show every feature contained in the original claims, rejected certain of the original claims under 35 U.S.C. §112 for alleged, specific indefinite characteristics, rejected certain of the original claims under 35 U.S.C. § 102(e) as being allegedly anticipated by U.S. Patent No. 6,501,937 B1 to Ho, et al. (hereinafter "Ho, et al."), and rejected certain of the original claims under 35 U.S.C. § 103(a) as being allegedly unpatentable over Ho, et al. in view of U.S. Patent No. 5,727,950 to Cook, et al. (hereinafter "Cook, et al.).

Without prejudice and without admission of the propriety of the rejections, in order to move this continuation-in-part application (hereinafter "current case") rapidly to issue, applicant has cancelled (without prejudice) original claims 1-16, which included "Jepsom"-styled "improvement" language, and has instead included language in the new claims (17-22, currently pending) specifically consistent with the Parent Case, U.S. Serial No. 09/025,347, filed February 18, 1998, which issued as U.S. Patent No. 6,227,863 B1 on May 8, 2001 (hereinafter "Parent Case"), and including additional elements disclosed in the specification, claims and drawing of the current case. Accordingly, for the reasons set forth below and the amendments to the claims set forth above, reconsideration and withdrawal of the aforementioned rejections are respectfully sought herein.

The subject invention is directed towards a modification to the invention of the Parent Case. In particular, the Parent Case provides, *inter alia*, a child with the ability to speak a word recognized by an electronic dictionary associated with a computer, and to see on the screen of the computer an image associated with the word and the letters comprising the word. The current case provides, *inter alia*, the child, upon viewing the image, with the ability to ask a question concerning the image, and to receive an answer in either audible or visual form via the computer. The claims have been amended to render this association more clearly.

In particular, under "Related Application," applicant has incorporated by reference the entirety of the contents of the Parent Case. The majority of the original claims in the current case were styled as "improvement" claims, indicating the addition of elements to the issued claims in the Parent Case. By including the claim limitations of the issued Parent Case in the current case, and adding thereto the additional elements disclosed in the current case, there is no new matter contained in the new claims. Currently pending are (new) independent claim 17, followed by (new) dependent claims 18-22.

Moreover, by having amended the claims in the manner indicated herein, applicant has obviated the drawing objections, and overcome, *per force*, the claim rejections. Specifically, the Examiner objected to the drawing of the current case as allegedly failing to include "question analysis and response components." It is respectfully submitted that these elements were not required in the drawing in connection with the original claims, and are certainly not required by the new claims. In the original claims, such elements were inherent to computer 10 in association with electronic dictionary 20 and electronic library 11. These elements are also not included in the new claims. Accordingly, applicant respectfully submits that the

objection to the drawing has been obviated, and that the Examiner so indicate in the file history or in a subsequent Office Action (if any is required).

Likewise, while applicant notes typographical errors in connection with the original claims (and which served, as least in part, as the basis for the alleged indefiniteness under 35 U.S.C. § 112), applicant has carefully reviewed the new claims to determine that all antecedents are provided, and no typographical errors included. Should the Examiner note any problems with the new claims under 35 U.S.C. § 112, it is respectfully requested that the undersigned counsel for applicant be called, so that modifications can be made by Examiner Amendment, with the undersigned's consent, to pass the case to issue. Alternatively, it is respectfully requested that the Examiner indicate that the rejection allegedly under 35 U.S.C. § 112 be deemed obviated by the amendment to the claims herein, either on the file history or in a subsequent Office Action (if any is required).

Applicant also respectfully disputes that the original claims 1-6, 10, 11, 15 and 16 are fully shown by Ho, et al., which is required in order to sustain the Examiner's rejection under 35 U.S.C. § 102(e). In this respect, applicant notes that the issued Parent Case antedates Ho, et al., and thus respectfully submits that the additional elements claimed by the new claims as well antedate Ho, et al. since the new claims incorporate all of the elements of the issued claims in applicant's issued Parent Case. Moreover, Ho, et al. does not teach or disclose applicant's inventive system of providing an image associated with a word of a child, and then answers to questions raised by the child concerning the image thereby presented, as claimed in the new claims of the current case. Rather, Ho, et al. is directed to the provision of study materials, requiring that the user first use the materials, and then ask question of the system.

The distinction is clear (based upon the dates of the current case) and clear (based upon the subject matter and claims of the current case). In the current case, applicant uses the “phonetic descrambler” of his issued Parent Case, together with the “Q&A” concerning the image provided, added to the issued Parent Case by the current continuation-in-part.

Accordingly, it is respectfully requested that the Examiner indicate (either in the file history or in a subsequent Office Action, if any) that the application, as currently claimed, is prior to, and not taught or suggested by, Ho, et al.

It is also respectfully submitted that neither the original claims, nor the new claims, are shown by a combination of Ho, et al. in view of Cook, et al. The Examiner proffers Cook, et al. to allegedly show the use of a personal agent for each student, and compares the same to the virtual teacher and virtual classroom of the current case. With respect to the original claims, there is no showing, nor could there be, of an obvious connection between the two references. Indeed, the impetus of Cook, et al. is to provide an agent with a student’s performance and “pedagogical” characteristics and to permit the agent to act independently of the materials provided to the student. In contrast, Ho, et al. seeks to provide learning to a user based upon questions by the user after study materials have been studied by the user. Ho, et al. does not even cite Cook, et al., since the essence of the two references are vastly different. Thus, the combination is, respectfully, improper.

Even assuming, *arguendo*, the propriety of the combination, with respect to the new claims presented by the amendment herein, such claims incorporate the elements of the issued Parent Case (antedating Ho, et al.), and include, only in the new dependent claims, any

reference to a teacher. Since the independent (new) claim 17 overcomes the combination, so, too, do the dependent claims 20-22.

Accordingly, it is respectfully requested that the Examiner indicate that the application, as now claimed, is not shown by any appropriate combination of Ho, et al. in view of Cook, et al., either in the file history or by way of a subsequent Office Action (to the extent required).

The other references provided by the Examiner and not relied upon have been considered. It is respectfully submitted that none of these references add anything further to the analysis, and hence while made of record, do not teach or suggest, individually or in any appropriate combination, the invention as claimed.

Accordingly, it is respectfully submitted that the instant application is now in condition for allowance. Should the Examiner not agree that allowance is appropriate in light of the amendments and remarks hereinabove, it is respectfully requested that a call be made to undersigned counsel of record in advance of issuing another office action to discuss allowable subject matter. The Examiner is thanked, in advance, for the consideration given to the amendments and remarks herein.

Respectfully submitted,



Dated: 22 January 2004

Mitchell A. Stein
Reg. No. 30,978
STEIN LAW, P.C.
24 Woodbine Ave., Suite 4
Northport, NY 11768
(631) 757-8400 (voice)
(631) 757-8404 (fax)